



Virginia
Commission on Youth

Office of Children's Services Ombudsman

May 17, 2006

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Office of the Children's Services Ombudsman

- In 2006, Senator Edwards introduced SB 208.
- SB 208 proposes to create, within the legislative branch, the Office of Children's Services Ombudsman.



Office of the Children's Services Ombudsman

- Members of the Senate Committee on General Laws and Technology reviewed SB 208 and had several concerns, particularly with the administration of child protection and child welfare laws.
- The Committee sent a letter requesting the Commission on Youth to further study the impact of SB 208.



Office of the Children's Services Ombudsman

SB 208 proposes that the mission of the Office is to:

- Protect children and parents from harmful agency action or inaction;
- Investigate the acts of state and local administrative agencies adversely affecting children;



Office of the Children's Services Ombudsman

Mission (cont'd...):

- Recommend appropriate changes toward the goals of safeguarding the rights of children and parents; and
- Promote higher standards of competency, efficiency and justice in the administration of child protection and child welfare laws, juvenile justice services and education of children.



Office of the Children's Services Ombudsman

SB 208 proposes the Office to be:

- Headed by a Director appointed by the Joint Rules Committee.
- Exempt from the Freedom of Information Act for active investigations conducted by the Office.



Office of the Children's Services Ombudsman

SB 208 proposes that the Director shall:

“Establish procedures for receiving complaints and conducting investigations for the purposes of resolving and mediating complaints regarding any activity, practice, policy, or procedure of any facility or program operated, funded, or licensed by any state or local agency, that is adversely affecting the health, safety, welfare, or rights of any child.”



Office of the Children's Services Ombudsman

SB 208 proposes that the Office shall:

- Decline to accept any complaint it determines is frivolous or not made in good faith;
- Attempt to resolve the complaint at the lowest appropriate level;
- Receive cooperation and assistance in the performance of its duties;



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Office shall (cont'd):

- Maintain a toll-free telephone number for receiving complaints; and
- Advertise and market its mission to the general populous.

What is an Ombudsman?

An ombudsman is a person who:

- Serves as “designated neutral” to advocate for a fair process;
- Acts as a source of information and referral;
- Aids in answering individuals’ questions; and
- Assists in the resolution of concerns and issues

Various Types of Ombudsman Currently in Virginia

- Long-Term Care
- Worker's Compensation
- Managed Care
- Special Education

Key Features of an Ombudsman

- Independence
- Impartiality
- Confidentiality
- Credible Review Process



Independence

- Enables the ombudsman to report findings and make recommendations based exclusively on facts, law, reason and fairness.
- Allows the ombudsman to be free from external influences and control.
- Eliminates any potential or existing prejudice and partiality towards or against a particular entity and/or agency.

Impartial

- Advocates for a fair process.
- Reviews and receives complaints objectively.
- Ensures neutrality.



Confidential

- Provides the ombudsman with the privilege and discretion to keep cases and information confidential.
- Protects sensitive information.
- Encourages citizens to make complaints.
- Encourages witnesses and citizens to speak openly and honestly.

Credible Review Process

- Provides for a thorough and timely review process.
- Enables the ombudsman to operate in a manner that causes citizens to have confidence and respect for the office, as well as being accepted by agencies and related entities.



Uniqueness of a Children's Services Ombudsman

A children's services ombudsman may:

- Provide a system-accountability mechanism for all child-serving agencies, as well as child-serving programs, placements and departments;
- Provide a method of strengthening and promoting public confidence in the child welfare system;



Uniqueness of a Children's Services Ombudsman

A children's services ombudsman may (cont'd):

- Recommend system-wide improvements to benefit children and families; and
- Serve as a child advocate by ensuring the rights of children and the safety of abused and neglected children.

Children's Ombudsman in Other States

- In 2003, there were approximately 26 states with either an ombudsman for children or child advocate with duties and purposes related to children's services and children's welfare.
- The majority of these states have statute authority.



Children's Ombudsman in Other States

- Alaska
- Arizona
- California
- Colorado
- Connecticut
- Delaware
- Florida
- Georgia
- Illinois
- Kentucky
- Massachusetts
- Michigan
- Missouri
- Nebraska
- New Hampshire
- New Mexico
- New York
- Oklahoma
- Oregon
- Rhode Island
- South Carolina
- Tennessee
- Texas
- Utah
- Washington
- Wyoming



Issues Related to a Children's Services Ombudsman

The administration of creating an Office of Children's Services Ombudsman, including:

- Branch of government to establish the Office;
- Associated fiscal impact; and
- Specific duties and authority of the Office.



Questions Related to a Children's Services Ombudsman

- What is the current structure for addressing children's services complaints?
- Does this structure provide an external entity?
- What child-serving agencies, programs and operations would fall under the purview of Virginia's Office of Children's Services Ombudsman?